

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 adding Section 5-3.5 as follows:

6 (305 ILCS 5/5-3.5 new)

7 Sec. 5-3.5. Inmate of penal institution; eligibility.

8 (a) An inmate of a penal institution maintained by the
9 State or a unit of local government may qualify for aid under
10 this Article only after he or she has ceased to be an inmate of
11 such an institution, but the inmate may apply for aid under
12 this Article in advance of his or her discharge or release from
13 the institution. Whenever the Department of Healthcare and
14 Family Services receives an application for aid under this
15 Article from an inmate who is scheduled for discharge or
16 release from a penal institution, the Department shall process
17 the application in an expeditious manner. For an inmate whose
18 application is approved by the Department, the date of
19 eligibility for aid under this Article shall be the date of the
20 inmate's discharge or release from the institution.

21 (b) A recipient of aid under this Article who becomes an
22 inmate of a penal institution maintained by the State or a unit
23 of local government may be permitted a period of up to 30 days

1 in the institution without suspension or termination of his or
2 her eligibility for aid under this Article. If the inmate's
3 incarceration extends beyond 30 days, his or her eligibility
4 for aid under this Article shall be suspended. The inmate's
5 eligibility shall be restored as of the date of his or her
6 discharge or release from the institution.

7 (c) Within a reasonable time after the discharge or release
8 of a person who was an inmate of a penal institution, the
9 Department shall redetermine the person's eligibility for aid
10 under this Article.

11 (d) Notwithstanding any other rulemaking authority that
12 may exist, neither the Governor nor any agency or agency head
13 under the jurisdiction of the Governor has any authority to
14 make or promulgate rules to implement or enforce the provisions
15 of this amendatory Act of the 95th General Assembly. If,
16 however, the Governor believes that rules are necessary to
17 implement or enforce the provisions of this amendatory Act of
18 the 95th General Assembly, the Governor may suggest rules to
19 the General Assembly by filing them with the Clerk of the House
20 and Secretary of the Senate and by requesting that the General
21 Assembly authorize such rulemaking by law, enact those
22 suggested rules into law, or take any other appropriate action
23 in the General Assembly's discretion. Nothing contained in this
24 amendatory Act of the 95th General Assembly shall be
25 interpreted to grant rulemaking authority under any other
26 Illinois statute where such authority is not otherwise

1 explicitly given. For the purposes of this amendatory Act of
2 the 95th General Assembly, "rules" is given the meaning
3 contained in Section 1-70 of the Illinois Administrative
4 Procedure Act, and "agency" and "agency head" are given the
5 meanings contained in Sections 1-20 and 1-25 of the Illinois
6 Administrative Procedure Act to the extent that such
7 definitions apply to agencies or agency heads under the
8 jurisdiction of the Governor.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.